

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON TALCUM  
POWER PRODUCTS MARKETING, SALES  
PRACTICES, AND PRODUCTS LIABILITY  
LITIGATION

No. 3:16-md-02738-MAS-RLS

MDL No. 16-2738 (MAS) (RLS)

**DECLARATION OF MATTHEW BUSH IN SUPPORT OF DEFENDANTS'  
MOTION TO COMPEL DEPOSITION TESTIMONY OF PAUL HESS AND  
FOR SANCTIONS**

I, Matthew Bush, declare as follows:

I am an attorney of the state of New York and a partner with the law firm King & Spalding LLP, counsel for Defendants Johnson & Johnson and LLT Management LLC (hereafter, "Defendants") in the above-captioned matter. The facts stated in this Declaration are true of my own personal knowledge. I submit this Declaration in Support of Defendants' Motion to Compel Deposition Testimony of Paul Hess and for Sanctions.

1. Attached hereto as **Exhibit A** is a true and correct copy of the transcript of Mr. Hess's deposition that took place July 10, 2024.

2. Attached hereto as **Exhibit B** is a chart of each instance Mr. Hess was instructed not to answer a question at his July 10, 2024 deposition.

3. Attached hereto as **Exhibit C** is a true and correct copy of an excerpt of a deposition of Dr. Longo from February 20, 2024, in *Krich v. Johnson & Johnson*, et al., No. 21STCV22952, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

4. Attached hereto as **Exhibit D** is a true and correct copy of Dr. Longo's 4th Supplemental Report submitted in this case, titled "Analysis of Non-Historical J&J's Talcum Powder Consumer Product Containers and J&J Chinese Historical Talc Retain Samples," dated April 29, 2024.

5. Attached hereto as **Exhibit E** is a true and correct copy Exhibit 6 to Mr. Hess's deposition, which is Dr. Longo's report dated February 24, 2020 originally submitted in *Zimmerman v. AutoZone Inc., et al.*, No. BC720153, JCCP No. 4674 (Super. Ct. Ca., L.A. Cnty.).

6. Attached hereto as **Exhibit F** is a true and correct copy of Exhibit 14 to Mr. Hess's deposition, which is Dr. Longo's report dated February 28, 2023 originally submitted in *Hernandez-Valadez v. Johnson & Johnson, et al.*, No. 22CV012759 (Super. Ct. Ca., Alameda Cnty.).

7. Attached hereto as **Exhibit G** is a true and correct copy of Exhibit 17 to Mr. Hess's deposition, which is a demonstrative with an image from Dr. Longo's

*Valadez* report (*see* Exhibit F) and a reference image of chrysotile in ISO 22262-1 (*see* Exhibit N).

8. Attached hereto as **Exhibit H** is a true and correct copy of Exhibit 18 to Mr. Hess's deposition, which is a demonstrative with an image from Dr. Longo's *Valadez* report at 37 (*see* Exhibit F).

9. Attached hereto as **Exhibit I** is a true and correct copy of Exhibit 14 to Mr. Hess's deposition, which is an MAS Calidria reference sample (M69652-003ISO-002).

10. Attached hereto as **Exhibit J** is a true and correct copy of Exhibit 27 to Mr. Hess's deposition, which is a demonstrative with an image from an MAS Calidria Reference sample (*see* Ex. I) and an image from the *Valadez* report (*see* Ex. F).

11. Attached hereto as **Exhibit K** is a true and correct copy of an excerpt of Dr. Longo's deposition on April 21, 2021, in *Prudencio v. Johnson & Johnson, et al.*, No. RG20061303, (Super. Ct. Ca., Alameda Cnty.).

12. Attached hereto as **Exhibit L** is a true and correct copy of an excerpt of hearing testimony of Dr. Longo on May 29, 2024, in *Clark v. Johnson & Johnson, et al.*, et al., No.MID-2912-17AS (N.J. Super. Ct., Middlesex Cnty.).

13. Attached as **Exhibit M** is a true and correct copy of Exhibit 23 to Mr. Hess's deposition, which is a demonstrative with a PLM image.

14. Attached as **Exhibit N** is a true and correct copy of ISO 22262-1, titled “Air quality – Bulk materials – Sampling and qualitative determination of asbestos in commercial bulk materials” and published in 2012.

15. Attached hereto as **Exhibit O** is a true and correct copy of Exhibit 8 to Mr. Hess’s deposition, which is a demonstrative with a PLM image of RT Vanderbilt talc from January 9, 2020 in testing where Mr. Hess was the analyst and a PLM image from the *Zimmerman* report (see Ex. E).

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 22, 2024



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MATTHEW L. BUSH